

Douglas R. Brown, Esq., NSB #7620  
Lemons, Grundy & Eisenberg  
6005 Plumas Street, Suite 300  
Reno, Nevada 89519  
[drb@lge.net](mailto:drb@lge.net)  
Telephone: (775) 786-6868  
Facsimile: (775) 786-9716

FAEGRE BAKER DANIELS LLP  
Jerome A. Miranowski  
[jerome.miranowski@FaegreBD.com](mailto:jerome.miranowski@FaegreBD.com)  
Aaron J. Harkins  
[aaron.harkins@FaegreBD.com](mailto:aaron.harkins@FaegreBD.com)  
Jeremy R. Harrell  
[jeremy.harrell@FaegreBD.com](mailto:jeremy.harrell@FaegreBD.com)  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: (612) 766-7000  
Facsimile: (612) 766-1600

*Attorneys for Plaintiff Leon Mark Kizer*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Leon Mark Kizer,

Plaintiff,

Case No. 3:15-cv-00120-RCJ-WGC

v.

PTP, INC., et al.

Defendants.

**STIPULATION AND ORDER TO SUBSTITUTE REAL PARTIES IN INTEREST FOR THE ORIGINALLY  
NAMED OWNERSHIP INTERESTS AND TO AMEND CAPTION**

The parties, by and through their respective counsel, have agreed and hereby stipulate, pursuant to Local Rules 6-2, and 7-1, to making the following substitutions of parties for the reasons so indicated. Further, the parties, by and through their respective counsel, have agreed and hereby stipulate, pursuant to Local Rules 6-2, and 7-1, to amend the caption

///

///

///

of this matter to comport with the substitution of parties stipulated to herein.<sup>1</sup>

1. Patrice Elliot of 118 Walker Street is, on information and belief, deceased. The parties hereby stipulate to substitute the Estate of Patrice Elliot for the natural person of Patrice Elliot, as this interest was originally named, and to amend the caption to reflect this change.

2. Polly Ann Mears of 50 Conner Way is, on information and belief, deceased. Polly Ann Mears owned this property as Trustee of Trust A, the Survivor's Trust, created under the MEARS FAMILY TRUST, dated April 29, 1998. Penny Hunter is the successor trustee of Trust A, the Survivor's Trust, created under the MEARS FAMILY TRUST, dated April 29, 1998. Ms. Hunter, in her individual capacity, is also the record owner of this property pursuant to a Grant, Bargain and Sale Deed recorded with the Douglas County Assessor's Office on or about July 21, 2009 as document number 0747464. The parties hereby stipulate to substitute Penny Hunter for the natural person of Polly Ann Mears, as this interest was originally named, and to amend the caption to reflect this change.

3. Laurence Carmagnola of 256 Walker Street is, on information and belief, deceased. The parties hereby stipulate to substitute the Estate of Laurence Carmagnola, which has appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural person of Laurence Carmagnola, as this interest was originally named, and to amend the caption to reflect this change.

4. Tami Johnstone, previously named as "Dale and Tami Johnstone," of 24 Scott Street conveyed her interest in this property to Dale Johnstone via a Quit Claim Deed recorded with the Douglas County Assessor's Office on or about April 28, 2015 as document number 2015-861113. The parties hereby stipulate to remove her name from the caption and to deem Dale Johnstone's appearance in this matter, through his

---

<sup>1</sup> FRCP 25 provides for the substitution of parties on motion. As all of the ownership interests affected by this stipulation have yet to be served or appear in this matter, this stipulation appears to be most efficient and economical method to accomplish what is essentially the clerical task of amending the way in which eight of the approximately 240 ownership interests at issue are identified herein.

counsel of record, Early Sullivan Wright Gizer & McRae LLP, adequate to represent the sublessee of this property.

5. Jay and Katherine Shumaker of 253 Mark Street transferred their entire interest in this property to Cheri Donahue via a Sublease recorded with the Douglas County Assessor's Office on or about June 13, 2014 as document number 0844499. The parties hereby stipulate to substitute Cheri Donahue for Jay and Katherine Shumaker, as this interest was originally named, and to amend the caption to reflect this change.

6. Elizabeth Lapp of 277 Walker Street is, on information and belief, deceased. The parties hereby stipulate to substitute the Estate of Elizabeth Lapp, which has appeared through her counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural person of Elizabeth Lapp as this interest was originally named, and to amend the caption to reflect this change.

7. Randall Stephens of 232 Walker Street is, on information and belief, deceased. The parties hereby stipulate to substitute the Estate of Randall Stephens, which has appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural person of Randall Stephens, as this interest was originally named, and to amend the caption to reflect this change.

8. The property located at 274 Mark Street is owned by an entity named 274 Mark, LLC. This entity was originally named herein as 274 Mark Street, LLC. The parties hereby stipulate to substitute 274 Mark, LLC, which has appeared through its counsel of record, Early Sullivan Wright Gizer & McRae LLP, for 274 Mark Street, LLC as this interest was originally named, and to amend the caption to reflect this change.

9. Dale and Leila Kleen of 232 Walker Street, are on information and belief, deceased. The parties hereby stipulate to substitute Matt Kleen as successor trustee for the Kleen Family Trust, who has appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP, who is the sublessee of record, and to amend the caption to reflect this change.

10. Mitchell and Angela Powell are the sublessees of record for the property located at

1 114 Walker Street. The parties hereby stipulate to substitute Mitchell and Angela  
2 Powell, who have appeared through their counsel of record, Early Sullivan Wright Gizer  
3 & McRae LLP, for Mitchell Powell as this interest was originally named, and to amend  
4 the caption to reflect this change.

5 11. Louis and Josephine Perri are the sublessees of record for the property located at 106  
6 Mark Street. The parties hereby stipulate to substitute Louis and Josephine Perri, who  
7 have appeared through their counsel of record, Early Sullivan Wright Gizer & McRae  
8 LLP, for Louis Perri as this interest was originally named, and to amend the caption to  
9 reflect this change.

10 12. John Miller of 245 Walker Street is, on information and belief, deceased. The parties  
11 hereby stipulate to substitute the Estate of John Miller for the natural person of John  
12 Miller, which has appeared through his counsel of record, Early Sullivan Wright Gizer &  
13 McRae LLP, as this interest was originally named, and to amend the caption to reflect  
14 this change.

15 13. Patrick O'Hara of 25 Conner Way is, on information and belief, deceased. The parties  
16 hereby stipulate to substitute the Estate of Patrick O'Hara, which has appeared  
17 through his counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural  
18 person of Patrick O'Hara, as this interest was originally named, and to amend the  
19 caption to reflect this change.

20 14. Merna Simpson of 3 Scott Street is, on information and belief, deceased. The parties  
21 hereby stipulate to substitute the Estate of Merna Simpson, which has appeared  
22 through her counsel of record, Early Sullivan Wright Gizer & McRae LLP, for the natural  
23 person of Merna Simpson, as this interest was originally named, and to amend the  
24 caption to reflect this change.

25 15. Karen Hall and Regina Littlebeaver are the sublessees of record for the property  
26 located at 11 Scott Street. The parties hereby stipulate to substitute Karen Hall and  
27 Regina Littlebeaver, who have appeared through their counsel of record, Early Sullivan  
28 Wright Gizer & McRae LLP, for Karen and Littlebeaver Hall as this interest was

originally named, and to amend the caption to reflect this change.

16. Dirk Jansse is an additional sublessee of the property located at 274 Walker Street and has appeared through his counsel of record, Early Sullivan Wright Gizer & McRae LLP. The parties hereby stipulate to add Dirk Jansse to the caption.

17. Sarah Henderson is an additional sublessee of the property located at 12 Scott Street and has appeared through her counsel of record, Early Sullivan Wright Gizer & McRae LLP. The parties hereby stipulate to add Sarah Henderson to the caption.

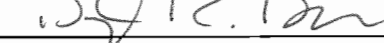
18. Jennifer Rodgers, of 112 Walker Street, has gotten married subsequent to the commencement of this matter and has changed her last name to "Wilgers." The parties hereby stipulate to amend the caption to indicate the change in her last name.

19. Attached hereto as **Exhibit 1** is a proposed amended caption reflecting the changes in paragraphs 1-5 hereinabove. If this Court signs this Stipulation and Order, the proposed amended caption comprising **Exhibit 1** shall be used on all documents filed with this Court after such time as this Court signs this Stipulation and Order.

Dated: November 30, 2015.

LEMONS, GRUNDY & EISENBERG  
*Attorneys for Plaintiff*

EARLY SULLIVAN WRIGHT  
GIZER & McRAE LLP

By:   
Douglas R. Brown (#7620)  
Richard G. Verlander (#12887)  
6005 Plumas Street, Suite 300  
Reno, Nevada 89519  
(775) 786-6868

By: /s/ Diane M. Luczon  
Scott E. Gizer (NSB #12216)  
Eric P. Early (pro hac vice)  
Diane M. Luczon (pro hac vice)  
3883 Howard Hughes Parkway, #790  
Las Vegas, Nevada 89169  
(323) 301-4660

By: /s/ Marni Rubin Watkins  
Marni Rubin Watkins (#9674)  
2450 St. Rose Parkway, Suite 100  
Henderson, Nevada 89074  
(702) 667-3000

By: /s/ Kelly R. Chase  
Kelly R. Chase (#937)  
P.O. Box 2800  
Minden, Nevada 89423  
(775) 782-3099

LEMONS, GRUNDY  
& EISENBERG  
6005 PLUMAS ST.  
SUITE 300  
RENO, NV 89519  
(775) 786-6868

///



1 J.M. Clouser & Associates, Ltd.  
2 1512 US Hwy 395 North, Suite 1  
3 Gardnerville, Nevada 89410  
4 (775) 782-2888

Dyer, Lawrence, Flaherty,  
Donaldson & Prunty  
2805 Mountain Street  
Carson City, Nevada 89703  
(775) 885-1896

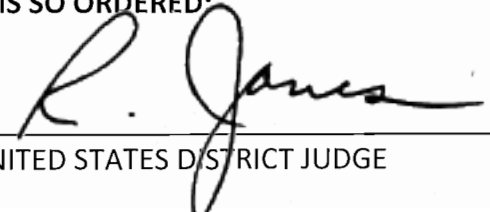
4 By: /s/ Justin M. Clouser  
5 Justin M. Clouser, Esq.  
6 Attorney for PTP, Inc. et al.

By: /s/ Francis C. Flaherty  
Francis C. Flaherty, Esq.  
Casey A. Gillham, Esq.  
Attorneys for Pine View HOA

7 Allison, MacKenzie, Ltd.  
8 402 North Division Street  
9 P. O. Box 646  
Carson City, Nevada 89702  
(775) 687-0202

10 By: /s/ Joan C. Wright  
11 Joan C. Wright, Esq.  
12 James R. Cavilia, Esq.  
13 Attorney for Title Resources,  
John Gerken, Cindy Gerken,  
Gregory Gerken, Max Hoseit

15 IT IS SO ORDERED:

16   
17 UNITED STATES DISTRICT JUDGE

18 DATED: This 3<sup>rd</sup> day of December, 2015.  
19  
20  
21  
22  
23  
24

25 LEMONS, GRUNDY  
26 & EISENBERG  
27 6005 PLUMAS ST.  
SUITE 300  
RENO, NV 89519  
28 (775) 786-6868

INDEX OF EXHIBITS

<i>Exhibit No.</i>	<i>Description</i>	<i>Length of Exhibit</i>
1	Proposed Amended Caption	3 pages

# EXHIBIT 1

# EXHIBIT 1



Douglas R. Brown, Esq., NSB #7620  
Lemons, Grundy & Eisenberg  
6005 Plumas Street, Suite 300  
Reno, Nevada 89519  
*drb@lge.net*  
Telephone: (775) 786-6868  
Facsimile: (775) 786-9716

FAEGRE BAKER DANIELS LLP  
Jerome A. Miranowski  
*jerome.miranowski@FaegreBD.com*  
Aaron J. Harkins  
*aaron.harkins@FaegreBD.com*  
Jeremy R. Harrell  
*jeremy.harrell@FaegreBD.com*  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: (612) 766-7000  
Facsimile: (612) 766-1600

*Attorneys for Plaintiff Leon Mark Kizer*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Leon Mark Kizer,

Plaintiff,

v.

Case No. 3:15-cv-00120-RCJ-WGC

**PROPOSED AMENDED CAPTION**

PTP, Inc.; William and Karen Archer;  
Christine Armenta; Tony and Diane Azevedo;  
Donald Bates; Christopher and Marie Beebie;  
Peter Beekhof Jr.; Edward and Johanna  
Bellesiles; James Betts; Kathleen Biase;  
Betty Birnbaum; Diane Blair;  
Timothy and Annelore Brisson; Phillip and  
Sylvia Brown; Francis and Aileen Brun;  
John and Marcia Burbeck; Robert Burgoon;  
Justin Burks; Michael Buttram;  
Larry Cameron; Lauren Campo; Gerald and  
Constance Caperton; Anna  
Carmagnola; the Estate of Laurence  
Carmagnola; Spencer Case; John Castaneda;  
Alfred and Virginia Castro; Denny Cavnar;  
Sara E. Center; Henry Ceresa; Vicki Christensen;  
Steven Clark; Robin Clark; Sharon Clark; Robert  
Coble; Leon and Patricia Coley; Stanley and  
Loretta Conner; Jay and Henrietta Conyers;  
Lois Cordeiro; Richard and Barbara Cropper;

LEMONS, GRUNDY  
& EISENBERG  
6005 PLUMAS ST.  
SUITE 300  
RENO, NV 89519  
(775) 786-6868

1 George Cummings; Donald Damotte;  
 2 David Davis; Stephen Dickerson; Cheri  
 3 Donahue; Christopher and Jenifer Eckert;  
 4 Daryl and Rebecca Elizalde; Robert  
 5 Elliott; the Estate of Patrice Elliot;  
 6 Gerald and Judith Enderle; Jason Ensminger;  
 7 Brian and C.V. Etheridge; Roland Faiferek;  
 8 Roland and Lee Faiferek; Fabiola Fernandez;  
 9 Mary Fesko; Steven Figueroa; Paul E. Fleury  
 10 and Phyllis E. Rhoden; Michael and  
 11 Linda Foster; Ramona Freedman; Angelo  
 12 Fricano; Marty and Barbara Furry; Elaine  
 13 Marie Gehr; James and Vicki Gennarini; John  
 14 and Cindy Gerken; Gregory and John Gerken;  
 15 Gabriel and Jan Gonsalves; Osvaldo and Erika  
 16 Gonzalez; Roger and Lynne Griggs; Carmen  
 17 Gristi; Bret and Mandee Guariglia; John and  
 18 Pamm Hagopian; Karen Hall; Regina Littlebeaver  
 19 Jaimie and Susan Halliday; Donna Haney;  
 20 Paul S. Hanson and Megan M. Stewart;  
 21 Karla A. Henry; Rachel Heyen;  
 22 John and Josephine Heza; Andrew and  
 23 Theresa Hickman; Jeffrey Hill;  
 24 Jill Hisao; Max Hoseit; Stephen and Leinani  
 25 Hosmer; Chris and Joyce Howell; Janet  
 26 Humphrey; Harry and Mary Lu Hunt; Brandon  
 27 and Elizabeth Isenhardt; Donald and Bonnie  
 28 Jackson; Maryann and Bobby Jensen; Kirk and  
 Gina Johnson; Dale Johnstone; Charlie  
 Jones; Christy Kegg; Gary and Susan Kendrick;  
 Matt Kleen, as successor trustee for the Kleen  
 Family Trust; John Knappenberger; Ella  
 Laden; Robert Lapp; the Estate of Elizabeth Lapp;  
 Kyle Larsen; Emanuel Latorre; Chad Lawrence;  
 Sherrie and Kevin Lindquist; David Macgillivray;  
 Jose and Maria Magana; Daniel and Geraldine  
 Maldonado; Francisco and Louise Marin; Trevor  
 McCanless; John and Constance McCarthy;  
 Evelyn McClain; Joyce McKernan; Penny Hunter;  
 Jason R. Meindl and Krystle M. Pierce;  
 David and Victoria Messer; Linda Miller; the  
 Estate of John Miller; Anne Moran; Tracey Morris;  
 Christopher Mullin; Francis and Stella Murray;  
 Ray and Alberta Myers; Patricia Neyman;  
 Sharon Nicholas; Julie Nicholson; Sharon Norman;  
 Alice Norton; Elizabeth O'Hara; the Estate of Patrick  
 O'Hara; John and Mary Olson; Vince Pacheco;  
 Richard Padilla; Jean Pagendarm; Michelene Pease;  
 Louis and Josephine Perri; Donald and Amy Poole;  
 Mitchell and Angela Powell; Joseph M. and Jean D.  
 Presto; John Redd; Daniel and Christina Reinholz;  
 Steve and Stefnie Rippe; Jennifer Wilgers f/k/a Rodgers;  
 John Rodman; Reinalda Rodriguez; Joaquin Rodriguez-  
 Ruvalcaba; Keith Rollin; Lepolian and Paula Rose;

1 Frank Ross; Ed and Nazzi Sabouri; Wendy Sands;  
 2 Robert and Linda Sanfilippo; Wayne M. and Sharon  
 3 L. Sharrar Revocable Trust; Melvin and Pearl  
 4 Schmidt; Paul and Kathy Schmidt; Robert Shorback;  
 5 Cheri Donahue; the Estate of Merna Simpson;  
 6 Richard Simpson; Theresa Simpson; James and  
 7 Carolyn Skeins; Carmen Skelton; Steve Smit;  
 8 Erick Smith; Robert and Eleanor Smith;  
 9 R. James and Barbara Smith; Douglas  
 10 and Victoria Steed; April Stephens; the Estate of  
 11 Randall Stephens; Bayne and Frances Stevens;  
 12 Edward and Sharon Stevens; Mindy Stevenson;  
 13 Douglas and Kathleen Stimpson; Robert Stone;  
 14 Marie Sutton; Chris Swanson; Josephine Taylor;  
 15 Michael Teeuwen; Steven and Sharon Thompson;  
 16 Ronald and Melba Tiffie; Charles and Cynthia  
 17 Tisdale; Santiago and Carmen Valadez; Paul  
 18 Vechil; Debra Veselitz; Robert and Francis  
 19 Voudy; Russell and Betty Jo Wailes; Doris  
 20 Watts; Stephen Wilken; Laurence and Danielle  
 21 Wilson; Elaine Zolkos; Sarah Henderson; Dirk Jansse;  
 22 Cedar Flats Ventures LLC; R & C Ventures LLC;  
 23 Johnson Development LLC; 274 Mark, LLC;  
 24 First Horizon Home Loans; and Pine View Estates  
 25 Home Owners Association; Topaz Lodge Inc., and  
 26 The Bureau of Indian Affairs;

27 Defendants.